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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Denmark

1. The Committee considered the fifteenth periodic of Denmark (CERD/C/40/Add.1) at its 1507th and 1508th meetings (CERD/C/SR.1507 and 1508), on 12 and 13 March 2002, and at its 1522nd meeting (CERD/C/SR.1522) on 21 March 2002, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report presented by the delegation of Denmark and notes that it contains relevant information about developments that have occurred since the consideration of the previous periodic report, including in Greenland. The Committee also notes with appreciation that the report includes responses to the concerns raised in the previous concluding observations (CERD/C/304/Add.93) issued in April 2000, concerning the fourteenth

* Please note that the symbol CERD/C/Session No./CO/.... will from now on replace the previous symbol CERD/C/304/Add....

periodic report of Denmark. The State party's timely submission of its periodic reports under the Convention is noted with satisfaction. The Committee expresses appreciation for the frank dialogue with the delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Positive aspects

3. The Committee welcomes the recent recommendations by the Inter-Ministerial Committee to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into Danish law.

4. The Committee welcomes the positive steps taken to implement the Act on Integration of Aliens (1998) including the survey, carried out two years later by the Committee of Ministers on Integration, to evaluate the implementation of the Act.

5. The Committee appreciates the efforts made by Denmark to facilitate the implementation of article 2 of the Convention through the application of legal instruments, including section 266b of the Danish Criminal Code, and other measures to prohibit the dissemination of racist statements and propaganda and to prosecute offenders.

6. The Committee welcomes the improvement of employment opportunities for minorities and refugees in the public sector, the creation of integration councils to ensure ongoing integration efforts, and the relative success in procuring housing for refugees, in line with article 5 of the Convention.

7. The Committee also welcomes the State party's favourable attitude towards the application of article 14 of the Convention and particularly appreciates the information on follow-up action included in the report.

8. With respect to Greenland, the Committee welcomes the establishment of the Commission on Self-Government, inter alia, to submit proposals for amending the Home Rule Act. The transaction of the International Convention on the Elimination of All Forms of Racial Discrimination into the Greenlandic language is also welcomed.

C. Concerns and recommendations

9. The Committee notes that the Act on Integration of Aliens (1998) transfers the responsibility for aliens' integration from the central to the local authorities. While the Committee welcomes the efforts by the central Government to monitor the local authorities carefully, it recommends that the State party pay particular attention to ensuring that the geographical distribution of aliens with the State party is organized on the principle of equity and does not lead to violation of their rights recognized under the Convention.

10. The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the

Committee invites the State party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. Political parties are encouraged to take steps to promote solidarity, tolerance, respect and equality by developing voluntary codes of conduct so that their members refrain from public statements and actions that encourage or incite racial discrimination.

11. The Committee takes note of the information on the temporary suspension of the licence of Radio OASEN owned by a neo-Nazi association and recommends that the Danish Government take decisive steps to prohibit such organizations in accordance with article 4 (b) of the Convention.

12. The Committee is concerned that policies and practices such as the housing dispersal policy, the quota system for the admission of minority children to certain crèches and nurseries, and the reported prohibition of the use of the mother tongue in some of these establishments may, though aimed at facilitating integration, lead to indirect discrimination against minorities and refugees. The Committee requests more information on this situation in its next periodic report.

13. The Committee commends the State party for having invested in its human rights institutions and in a number of non-governmental organizations, which have promoted human rights and served the needs of minority groups, but is concerned by plans to reduce the level of funds and the potential impact this would have on the NGOs concerned. In light of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen human rights national institutions and NGOs, the Committee urges the State party to ensure that the organizational restructuring of the Board of Ethnic Equality and the Centre for Human Rights will strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities. It is concerned about the withdrawal of funds from certain NGOs. The Committee recommends that the State party include information on this mater in its next periodic report.

14. While acknowledging the information provided in the report regarding article 5 of the Convention, the Committee reiterates that equal attention should be paid to economic, social and cultural rights, particularly with respect to minorities. The Committee is concerned about the impact of the recent (May 2000) amendments to the Aliens Act, particularly as they abolish the statutory right to reunification of spouses under the age of 25 years. The Committee encourages the State party to take effective measures to ensure that the right to family life is guaranteed to all persons in Denmark without distinction. It recommends that the State party report on this issue in its next periodic report.

15. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the "ice-breaker" programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among

foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

16. The Committee is concerned about reports of a considerable increase in reported cases of widespread harassment of people of Arab and Muslim backgrounds since 11 September 2001. The Committee recommends that the State party monitor this situation carefully, take decisive action to protect the rights of victims and deal with perpetrators, and report on this matter in its next periodic report.

17. The Committee is concerned about the introduction of new, more stringent asylum and refugee regulations, and encourages the State party to maintain its standards and ensure that all cases of asylum-seekers are decided on merit and without discrimination.

18. The Committee reiterates its previous concern regarding the delay in resolving the claims of the Inughuit with respect to the Thule Air Base. The Committee notes with serious concern claims of denials by Denmark of the identity and continued existence of the Inughuit as a separate ethnic or tribal entity, and recalls its general recommendation XXIII on indigenous peoples general recommendation VIII on the application of article 1 (self-identification) and general recommendation XXIV concerning article 1 (international standard). The Committee recommends that the State party include information in its next periodic report concerning these issues.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

20. The Committee recommends that the reports of the State party be made available to the public from the time they are submitted and that the concluding observations of the Committee on these reports be similarly publicized.

21. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 8 January 2005, that it be an updating report, and that it address all points raised in the present observations.